

Paducah Gaseous Diffusion Plant Citizens Advisory Board

Operating Procedures



Date of First Reading: 09/16/2021

Date of Second Reading: 11/18/2021

Adopted: 11/18/2021

signature on file
Don Barger
CAB Chair

signature on file
Jennifer Woodard
U.S. DOE, DDFO

Contents

I.	Mission	1
II.	Functions, Scope, and Accountability	1
	A. Functions	
	B. Scope	
	C. Accountability	
III.	Membership	2
	A. Membership	
	B. Vacancies	
	C. DOE and Other Liaisons	
IV.	Membership Responsibilities	4
V.	Board Structure	4
	A. Chair and Vice Chair	
	B. Committees	
	C. Ad Hoc Committees	
	D. Structures of Committees and Ad Hoc Committees	
	E. Executive Committee	
	F. Removal of Board Officers	
	G. Replacement of Officers	
VI.	Decision Making	7
	A. Quorum	
	B. Rules of Order	
	C. Requirements for Recommendations to EM	
	D. Administrative Decision Making	
VII.	Conduct and Format of Meetings	8
	A. Meeting Format	
	B. Conduct of Meetings	
VIII.	Meeting Frequency and Location	10
	A. Federal Register	
	B. Meeting Frequency	
	C. Location	
	D. Extraordinary Meetings	
IX.	Budget	10
	A. Authority	
	B. Compensation	
	C. Travel Expense	
X.	Conflict of Interest	10
	A. Enforcement of Conflict of Interest Policy	
	B. Recusal	
	C. Principles of Conduct	
XI.	Amending the Operating Procedures	11
	A. Policy	
	B. Absentee Voting for Amending the Operating Procedures	
	C. Absentee Voting Prohibition	

XII. Adoption of the Operating Procedures	13
A. Date of Adoption	
B. Status of Previous Bylaws	

I. MISSION

The mission of the Environmental Management (EM) Site-Specific Advisory Board (the Board or Citizens Advisory Board [CAB]) at the Paducah Gaseous Diffusion Plant (PGDP) is to provide meaningful opportunities for collaborative dialogue among the appointed Board members, EM, and the U.S. Department of Energy (DOE) Portsmouth Paducah Project Office (PPPO). The Board is chartered under the EM Site-Specific Advisory Board Federal Charter. Serving at the request of the Assistant Secretary or the Deputy Designated Federal Official (DDFO), the Board is tasked to provide advice and recommendations concerning the following EM site-specific issues: clean-up standards and environmental restoration, waste management and disposition, stabilization and disposition of non-stockpile nuclear materials, excess facilities, future land use and long term stewardship, risk assessment and management, and clean-up science and technology activities. The Board may also be asked to provide advice and recommendations on any other EM project or issue. The Board promotes early ongoing dialogue with the community that improves the quality of the decision making process of EM.

II. FUNCTIONS, SCOPE, AND ACCOUNTABILITY

A. Functions: The Board will provide independent advice and recommendations to the Assistant Secretary for Environmental Management or PPPO Field Manager on the following EM site-specific issues: clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long term stewardship; risk assessment and management; and clean-up science and technology activities. The Board will provide advice and recommendations on additional topics in response to requests issued by the Assistant Secretary for Environmental Management or the PPPO Field Manager.

B. Scope: The scope of the Board's duties includes:

1. Discuss EM proposals and plans for such matters as EM facility expansions and closings, environmental projects, and the impact of environmental regulations.
2. Advise EM on issues related to clean-up standards and environmental restoration, waste management and disposition, stabilization and disposition of non-stockpile nuclear materials, excess facilities, future land use and long term stewardship, risk assessment and management, and clean-up science and technology activities.

C. Accountability: The Board interacts with the appropriate EM decision makers and CAB Liaisons to provide advice on matters it is charged with, on behalf of the citizens surrounding the PGDP.

1. The CAB is part of the Environmental Management Site-Specific Advisory Board, which is chartered pursuant to the Federal Advisory Committee Act. The Board is thereby subject to the requirements of the Environmental Management Site Specific Advisory Board Charter, Membership Balance Plan, the Federal Advisory

Committee Act (FACA), as amended (5 USC Appendix 2), and its implementing regulations (41 CFR 102-3, et seq.).

2. The CAB seeks a free and open two-way exchange of information and views between Board members and EM, where all Board members are invited to speak and to listen.
3. CAB members may request access to independent technical advice, staff, and training.
4. The CAB will conduct business according to these specific operating procedures and undergo requisite training from DOE (any training necessary for participation in CAB activities, including Orientation) so that all members will hear a wide-range of views and use constructive methods for resolving conflict, making decisions, and dealing with the differing viewpoints.
5. In compliance with FACA, CAB meetings will comply with Federal regulations concerning advisory committee meeting and recordkeeping procedures (41 CFR 102-3, Subpart D), including but not limited to: CAB meetings must be open to the public, and notice of CAB meetings must be published in the Federal Register to provide the required advance notice. In addition, notification of any committee meetings (including ad hoc) or work groups will be posted on the CAB website (<https://www.energy.gov/pppo/pgdp-cab/paducah-citizens-advisory-board>) to provide stakeholder awareness. Board meetings will be held at reasonable times in publicly accessible locations to encourage maximum public and Board participation.
6. EM will provide the opportunity for interested parties and stakeholders continue to be adequately and equitably represented on the membership of the Board.
7. The Board members will send all requests to the DDFO or designee to obtain a prompt response. The DDFO is responsible for tracking DOE responses to requests from the Board and verifying the completeness of those responses.

III. MEMBERSHIP

A. Membership: The Board is a broadly constituted organization consisting of a diverse group of people representing the interests and concerns of the Paducah area.

1. Pursuant to delegated authority, the Assistant Secretary for EM is authorized to appoint and reappoint EM SSAB members and also to terminate any Board membership. Members serve at the pleasure of the Assistant Secretary and their membership may be terminated at any time during their tenure.
2. Members shall be appointed to bring views associated with residence or employment in the PGDP community and region and may include, but is not limited

to, individuals representing the interests of local government; Tribal nations; environmental, civic, and religious groups; labor organizations; ethnic minorities; academia; women's groups; and other interested individuals or organizations in the PGDP area.

3. The Assistant Secretary for Environmental Management or Field Manager may request that other Federal Government employees, elected officers of State, local, and Federal recognized tribal governments (or their designated employees with authority to act on their behalf), and other authorized inter-tribal organizations¹ to serve as non-voting liaisons to the local Board who provide information to the Board and represent their agency's organization's interests at local Board meetings.
4. Terms of office for Board members are two years from the date of official appointment by DOE. Members are to serve no more than three two-year terms for a total of six years. Exceptions from term limits can be requested and will be considered on a term-by-term basis if a member represents a specific organization on the board or where a member brings diversity that is important to balance board views. A request for an exception from term limits may be made by the affected Field Office Manager during the membership package process and must be approved by the Assistant Secretary.

B. Vacancies: When a vacancy exists following completion of a Board member's term, resignation, or termination by DOE, Board members and members from the Paducah community at large may nominate someone or themselves to fill the vacancy. Nominees submitted by Board members and members of the Paducah community at large should meet, as far as possible, the Board's existing stakeholder balance, diversity and geographical distribution goals. DOE may consider such nominees, as well as any other potential member candidates, to fill vacancies. The DDFO shall evaluate the nominee submissions and forward his/her recommendations to fill the vacancy to EM for approval. When a vacancy exists due to resignation or termination by DOE of a Board member, the vacancy may be filled by interim appointment for the remainder of the unexpired term.

C. DOE and Other Liaisons:

1. Liaisons may participate in Board discussions to provide information to the board on matters that are both substantive and procedural.
2. Liaisons may not participate in the formation of recommendations when the Board is determining what substantive advice it wishes to give or what procedural direction it chooses to take.

¹ An authorized inter-tribal organization is an organization composed of elected officers of more than one Tribal government (or their designated employees with authority to act on their behalf),

which has been officially designated by the elected or duly-appointed leader of at least one federally recognized Tribal government to represent that Tribe on a particular issue.

2. Each liaison shall designate its own representatives and alternates, notify the DDFO of such designees, and give timely notice if a replacement is required.
3. The Board may recommend to DOE that a new liaison be requested for excessive absence.

IV. MEMBERSHIP RESPONSIBILITIES

1. To attend meetings regularly; a member who fails to attend three (3) consecutive Board meetings without an absence excused by DOE in one calendar year may be recommended to the DDFO for removal from the Board. In cases of excessive and/or unexcused absenteeism, the DDFO will contact the member in writing fifteen (15) days prior to the next Board meeting to determine the member's circumstances and intention for future meeting attendance. The Board will, based on the information given by the DDFO, determine whether to recommend termination of that member's appointment to EM.
2. To review and comment on EM and other documents received by the board according to Federal law and within their purview, and submit timely recommendations to EM;
3. To work collaboratively and respectfully with other Board and liaison members;
4. To represent accurately all matters before the Board;
5. To share any written communication about or for Board activities with the Board as a whole and with the DDFO;
6. To be a public representative willing to communicate as needed
7. To abide by the terms and conditions of the EM SSAB charter and these Operating Procedures.

V. BOARD STRUCTURE

- A. Chair and Vice Chair:** In alternating years, the Board will elect by a majority vote of a quorum of the full Board the Chair and Vice Chair, who will encourage consideration of a diversity of viewpoints in Board discussions. The Chair will support the Board in a balanced and unbiased manner. All Board members have the opportunity to express their views.

1. The election for Chair and Vice Chair should be held at the CAB meeting closest to September 30th of each year. The terms of the Chair and Vice Chair will be two years beginning October 1st of each year or immediately after the election, whichever date is sooner.
2. The Chair certifies to the accuracy of all CAB meeting minutes within 45 calendar days of each meeting.
3. The Chair signs the certification of a recommendation that has been passed by the Board.
4. The Chair shall recommend to the DDFO candidates for positions on committees and ensure that the membership of the committees reflect the diversity of the Board to the extent practicable.
5. The Chair serves between regular meetings of the Board as the point of contact for DOE.
6. The Vice Chair serves as Chair in the absence or incapacity of the Chair.
7. The Chair and Vice Chair may have other duties as assigned by the Board consistent with the EM SSAB charter.
8. In the absence of the Chair and Vice Chair, the immediate past Chair, if that person still serves on the Board, shall serve as Chair of the board meeting. In the absence of the immediate past Chair, the immediate past Vice Chair, if that person still serves on the Board, shall serve as Chair of the Board meeting. If none of these persons is present, those Board members present shall select a chair for the meeting.

B. Committees: The Board may establish committees that reflect the Board's approved work plan for that year and promote efficient operations of the Board.

C. Ad Hoc Committees: The Board may establish ad hoc committees as it deems necessary.

D. Structures of Committees and Ad Hoc Committees (collectively referred to as "Committees"):

1. Membership on committees will be on a volunteer basis. Board members are encouraged to serve on at least one committee.
2. Committees may not directly submit recommendations to DOE. They are solely responsible for producing draft proposals or information for the full Board. Before presenting a recommendation to the Board, the committee shall have passed the recommendation by majority vote of the full committee.

3. Committees may meet independently of the Board. If the meetings of a committee are open to the public, they must be held in public locations.
4. A written summary of all committee meetings will be prepared, and the chair of the committee will provide it to the Board.
5. Committees may, at their discretion, internally select, elect, appoint, or remove a committee Co-Chair or Vice-Chair (either title bearing the same intended meaning) from among only the properly appointed members of the Board. Co-Chairs or Vice-Chairs shall serve and act in the temporary absence of the duly elected committee chairperson.
6. Committee chairs shall notify the Board Chair and the DDFO of the selection, election, appointment, or removal of any committee Co-Chair or Vice-Chair.
7. Any committee may include non-Board members. Non-Board members shall be allowed to vote in committee meetings but shall not hold committee leadership positions. Non-Board members of committees and ad hoc committees shall be confirmed by the Board Chair. The DDFO shall concur in all recommendations for participation by non-Board members.
8. Ad hoc committees may be established by the Board for the purpose of investigating special topics. The charge to, Board membership of, and chair of the ad hoc committees shall be established by the Board or the Executive Committee and approved by the DDFO. The Board, in consultation with the DDFO, shall further establish the term of and reporting requirements of each ad hoc committee.
9. A Board support staff representative will provide meeting support including, but not limited to, securing locations, notifying members, and producing a meeting summary.
10. Virtual participation at committee and ad hoc committee meetings may be allowed, so long as all members are afforded the same opportunity.

E. Executive Committee: The Board has an Executive Committee consisting of the Board Chair, Vice Chair, the most recent Chair that still sits on the Board, and other Board members as elected by the Board. The Executive Committee will meet at least once every two months and may hold other meetings at the call of the Board Chair or DDFO to consider matters of importance that may require immediate resolution. The DDFO is a non-voting member of the Executive Committee.

1. During the intervals between Board meetings, decisions involving the daily business operations of the Board (e.g., agendas, administrative decisions, coordinating committee requirements and activities, etc.) shall be made by majority vote of the Executive Committee. However, this Committee shall have no authority to set Board policy or make any recommendations to the DOE.

2. The Executive Committee shall have no authority to act for the Board on any motion or recommendation that affects a decision made by the full Board. Any motion or recommendation affecting a decision of the Board shall be submitted by the Executive Committee to the Board for consideration at the next regularly scheduled Board meeting.
3. Actions on routine general administrative matters requiring time-critical action by the Executive Committee may be handled by polling members of the Executive Committee through any quick means of communication. Decisions will be validated by the Board Chair and documented in the minutes of the next regularly scheduled Board meeting.

F. Removal of Board Officers: Upon recommendation by the Executive Committee, the DDFO, or a duly authorized motion tendered by a Board member at a regularly scheduled Board meeting and a two-thirds (2/3) vote of the Board membership, the CAB may recommend to DOE that an officer of the Board (Chair, Vice Chair, or Committee Chair, Vice Chair or Co-Chair) be removed from office for misconduct or neglect of duty.

G. Replacement of Officers:

1. A Board officer vacancy (Chair or Vice Chair) will be announced at a regularly scheduled Board Meeting.
2. An election to fill a vacancy will be held at the next regularly scheduled Board meeting after the meeting at which the vacancy was announced. The person to fill the vacancy must be approved by a majority vote of the full Board. In the event of a vacancy created by removal, resignation, or abandonment by the Chair or Vice Chair, the term of office of any interim replacement election for the Chair or Vice Chair shall expire on September 30th, and the regularly scheduled annual election shall be held as provided in Article V, Section A, Number 1.
3. If both the Chair and Vice Chair become vacant at or near the same time, then the Board shall, at the meeting at which the vacancy is announced, elect by majority vote of the entire board a Chair and Vice Chair to serve for that Board meeting. To prevent delay in Board work, and in the absence of a timely interim election, the Executive Committee shall appoint an Acting Chair and Vice Chair (if needed) from among the voting members of the Executive Committee, to serve as the Chair or Vice Chair of the Board until the next regularly scheduled Board meeting.

VI. DECISION MAKING

A. Quorum: A quorum of the Board consists of more than half of the DOE appointed members of the Board; liaison members do not count towards quorum.

B. Rules of Order: All decisions are made by majority vote of a quorum of the full Board, unless otherwise stated within the operating procedures.

C. Requirements for Recommendations to EM:

1. Recommendations shall be approved by majority vote of the full Board.
2. When an issue comes before the Board, the Chair may refer the issue to the appropriate committee or create an ad hoc committee for that issue. The committee will provide a report of its activities to the Board as soon as possible given the issue.
3. Recommendations to be considered by the Board shall be processed in the following manner:

The Board's work is primarily conducted and accomplished at the committee level. Meetings are held, information and perspectives are discussed and exchanged, and draft recommendations are prepared and approved for review by the full Board. In the process, the Committee may hear from outside technical experts, DOE staff, environmental groups, academia, representatives from other public agencies, or other stakeholders. Differences in viewpoints are generally resolved at the committee level, and a consensus position or recommendation is developed. In the event that consensus is not achieved, a minority position paper may be included with the committee recommendation. Ultimately, the committee's recommendations are presented by the committee Chairperson or designated committee member to the full Board for further action and consideration as a formal CAB recommendation, if appropriate, to EM.

4. Upon passage by the Board, all recommendations will be signed by the Chair and conveyed to EM in writing within fifteen (15) calendar days.
5. The Board requests that EM provide timely response to the Board recommendations and explain the basis for EM's decision and how it will implement any recommendations that are accepted.

D. Administrative Decision Making:

1. DOE will provide administrative support for the board. Any request for specific administrative functions will be made by the Chair to DOE.

If the Board finds a need to review or affirm specific decisions made under the authority delegated to the Chair, such affirmation will be expressed by a majority vote of the full Board.

VII. CONDUCT AND FORMAT OF MEETINGS

A. Meeting Format:

1. Public notices for board meetings will be printed in the Federal Register. Announcements may be made via radio, television, local newspapers, or the CAB website.
2. The Board will meet as needed, with the length of meetings determined by the agenda.
3. Board meetings will be open to the public; a section of the meeting room will be set aside for observers, videographers, and media. Public comment is invited at appropriate times during a meeting. Public comment within the meeting will follow procedures laid out in the Paducah Gaseous Diffusion Plant Citizens Advisory Board Visitor and Public Comment Guidelines.
 - a. There will be a fixed agenda time for public comment. A Board member may not address the Board during the time set aside for public comment. The public comment period may be extended by the Chair or by consensus of the Board members in attendance.
 - b. If required, per the Public Comment Brochure, the fixed time will be divided equally among the members of the public who request to speak.
 - c. Before a decision on a recommendation is made, the Chair will invite members of the public to offer their input. The Board will determine in advance how much time they will allocate for public input.
 - d. Members of the public may offer their comments in writing and give them to the DDFO.
 - e. Time will be set aside for Board member comments during each meeting.
4. Any Board meeting will be set up in terms of both the physical arrangements and the agenda to facilitate hearing and discussion.
5. Minutes of the Board meetings will be kept by DOE, distributed to the Board members for their review, certified by the Chair, and then made available to the public. The Chair or Vice Chair must certify the accuracy of the minutes within forty-five (45) calendar days of the meeting to which they relate. In the absence of the Chair or Vice Chair, the DDFO must make such certification.
6. Any product of the Board such as policies, positions, reports, advice, or recommendations given to DOE must be reviewed by the Board in final distribution form before providing the product to DOE.

B. Conduct of Meetings:

1. DOE may, at its discretion, utilize a neutral third-party facilitator to assist it in accomplishing its mission; the facilitator will operate in a neutral, balanced, and fair manner;
2. Board members will act in a professional manner to each other, EM, liaisons, and the public.

VIII. MEETING FREQUENCY AND LOCATION

A. Federal Register: In compliance with the Federal Advisory Committee Act (FACA), meetings of the full Board must be published in the Federal Register to provide at least fifteen (15) days advanced notice of Board meetings. The local DOE Field Office must ensure that Federal Register notices are sent to the Designated Federal Official (DFO) at least 30 calendar days in advance of the meeting.

B. Meeting Frequency:

1. Regular Board meetings of the full Board shall be held a minimum of four times a year.
2. Working Sessions and committee meetings will be held as needed to further the progress of Board activities at the discretion of the committee.
3. A quorum of the Board must be present in order to conduct meetings and take actions as defined in this document.

C. Location: Meetings shall be held near the affected communities in order to facilitate communication between the Board and the concerned public.

D. Extraordinary Meeting: At the request of a minimum of six (6) members of the Board, or at the request of DOE, the Chair shall call upon the Deputy Designated Federal Official (DDFO) to schedule an extraordinary meeting of the Board. Presence at extraordinary meetings may not be factored in determining a member's attendance record.

IX. BUDGET

A. Authority: The DDFO retains fiscal responsibility for the Board. The Board may provide a proposal to the DDFO. Funding amounts will be determined yearly based on the Board's approved work plan and availability of funds.

B. Compensation: Board members will serve without compensation.

C. Travel Expense: Board members are required to follow applicable federal travel regulations. All travel expenses must be submitted to the DDFO for reimbursement according to Federal guidelines.

X. CONFLICT OF INTEREST

A. Enforcement of Conflict of Interest Policy: Questions concerning conflict of interest shall be referred to the DDFO, who will seek the advice of legal counsel for resolution, as required.

B. Recusal: If a Board member is aware of an appearance of a conflict of interest, the member shall immediately inform the DDFO and the Board of the interest and shall refrain from participating in discussions and recommendations in which a conflict or potential for conflict of interest exists.

C. Principles of Conduct:

The Board consists solely of representative members under FACA. Board members who serve as representatives shall abide by the following conduct principles:

1. Members shall refrain from any use of their membership, which is motivated by, or gives the appearance of being motivated by, the desire for the private gain of the member or anyone else;
2. Members shall not use, either directly or indirectly for private gain, any non-public information obtained as a result of Board or committee service;
3. Members shall not use their positions in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom the member has family, business, or financial ties;
4. Members shall not knowingly receive or solicit from persons having business with the DOE anything of value as a gift, gratuity, loan, or favor while serving on the Board or in connection with such service.

Exceptions: Members may receive an unsolicited gift from persons having business with or an interest in DOE only if:

- a. The gift has an aggregate market value of \$20 or less per occasion, provided that the aggregate market value of the individual gift received from any one person under the authority of this paragraph shall not exceed \$50 in a calendar year;
- b. The gift is motivated by a family relationship or personal friendship rather than a member's position; and
- c. The gift results from the business or employment relationship of a member's spouse or the outside business or employment activities of a member when it is clear that such gifts are not enhanced because of the member's position.

XI. AMENDING THE OPERATING PROCEDURES

A. Policy:

1. The Board shall have the power to alter, amend, and repeal these operating procedures in ways consistent with the Amended Charter of the Environmental Management Site Specific Advisory Board and other applicable laws, regulations and guidelines.
2. Any member of the public, the Board, or one of the stake holder entities may propose in writing an amendment. To be considered by this Board, however, the proposed amendment must be sponsored by a Board member.
3. The Board may consider and take action on the amendment to the operating procedures at the meeting following the introduction of the proposed amendment.
4. Amendments require the affirmative vote of two-thirds majority of the full membership of the Board.
5. All amendments to these operating procedures must be approved by the DFO in consultation with the Office of General Counsel.
6. These operating procedures will be effective upon the affirmative vote of a two-third majority of Board membership, execution by the Chair, review and concurrence by the DOE Office of General Counsel, and approval of the EM SSAB DFO.
7. All previous bylaws or procedures are hereby rescinded.

B. Absentee Voting for Amending the Operating Procedures:

1. A vote to amend these Standard Operating Procedures may be cast by a Board Member by Absentee Ballot at any regularly scheduled meeting of the Board at which a vote to amend these Standard Operating Procedures is an agenda item.
2. Each Board member shall be entitled to vote in person or by an absentee ballot (duly submitted in writing, or by electronic means, signed or electronically annotated and dated by such member prior to the meeting). The staff shall prepare and make available on request suitable absentee ballots for use in voting on amendments.
3. To be valid, an absentee ballot shall be executed by the Board Member (see 2. above) and submitted to the Board's offices or Chair not later than 12:00 noon on the day prior to the date of the regularly scheduled Board meeting at which the vote is an agenda item.

4. In the event an absentee ballot cannot be properly filed and a two-thirds quorum is not possible, then absentee members may be contacted to participate by teleconference, provided that all similarly constrained absent members are given the same opportunity.

C. Absentee Voting Prohibition: Except as provided in Section XII.B above, nothing in this section shall be construed to permit or authorize absentee voting by any Board member on any other Board or committee action.

XII. ADOPTION OF THE OPERATING PROCEDURES

A. Date of Adoption: These operating procedures will be effective upon the affirmative vote of a two-third majority of Board membership, execution by the Chair, review and concurrence by the DOE Office of General Counsel, and approval of the EM SSAB DFO.

B. Status of Previous Bylaws: All previous bylaws or procedures are hereby rescinded.